

CHILDREN AND FAMILIES

DIVISION OF YOUTH AND FAMILY SERVICES

Foster Care Services

Proposed Readoption with Amendments: N.J.A.C. 10:122D

Authorized By: Eileen Crummy, Acting Commissioner, Department of Children and Families

Authority: N.J.S.A. 30:4C-4(h) and 30:4C-26a.

Calendar Reference: See Summary below for explanation of exception to calendar requirement.

Proposal Number: PRN 2008-227

Submit written comments by September 5, 2008 to:

Pamela Wentworth
Policy and Planning
Division of Youth and Family Services
P. O. Box 717
Trenton, New Jersey 08625

The agency proposal follows:

Summary

Pursuant to Executive Order No. 66 (1978), N.J.A.C. 10:122D, Foster Care Services, will expire on June 5, 2008. Pursuant to N.J.S.A. 52:14B-5.1c, this date is extended to December 2, 2008. The Division has reviewed these rules and has determined that they continue to be necessary, proper and reasonable for the purpose for which they were originally promulgated, as required by Executive Order No. 66 (1978).

As the Division has provided a 60-day comment period on this notice of proposal, this notice is exempt from the rulemaking calendar requirement pursuant to N.J.A.C. 1:30-3.3(a)5.

This chapter was first adopted in 1993 as part of the Division's development of rules in order to bring the Division into compliance with New Jersey State Supreme Court decisions, notably *Metromedia, Inc. v. Director, Division of Taxation*, 97 N.J. 313 (1984), and *Woodland Private Study Group v. State of New Jersey, Department of Environmental Protection*, 109 N.J. 62 (1987). The rules were readopted in 1997 and 2003 with minor amendments.

The purpose of this chapter is to set standards for the Division to follow in providing a child in out-of-home placement with family visits and various services while he or she is in out-of-home placement. The effect is to ensure that each child in out-of-home placement takes part in family visitation and receives needed services.

The Division has decided to amend the chapter in order to make it applicable to all children in out-of-home placements supervised by the Division, instead of applying only to children in foster care. The Division believes that all children in placement deserve the guarantee of visitation with parents and siblings, and the provision of services. While rules promulgated by the Department's Office of Licensing address visitation and services, they specify the licensed shelter, group home, or residential child care facility's responsibilities. N.J.A.C. 10:122D specifies the Division's responsibility to ensure that children have visitation and services while in out-of-home placement, as well as the out-of-home placement provider's responsibility regarding services. The Division has amended the language throughout the rules to remove the terms foster care, foster parent, and foster child. Foster care has been replaced by out-of-home placement. Foster parent has been replaced by out-of-home placement provider or resource family parent. Foster child has been changed to child in most cases, or child in out-of-home placement.

The Division proposes to amend the heading of the chapter from Foster Care Services to Services for Children in Out-of-Home Placement in keeping with the expanded scope of the chapter.

The Division has amended N.J.A.C. 10:122D-1.1(b) and 1.15(a)2 to insert the current name of the Division's case goal. The name of the case goal has been amended from "return home or permanency with a relative or family friend" to "reunification."

The Division proposed to remove references to N.J.A.C. 10:122C-1.2 at N.J.A.C. 10:122D-1.3 and 2.3. N.J.A.C. 10:122C was repealed and adopted as new rules on February 6, 2006. N.J.A.C. 10:122C now contains definitions only in N.J.A.C. 10:122C-1.3.

The Division has amended N.J.A.C. 10:122D-1.5(d) in order to differentiate the way a visitation plan is developed for children in resource care and shelter care, and for children in residential child care facilities and group homes. This distinction allows the Division to follow the Office of Licensing's rules that are already in place at N.J.A.C. 10:127-6.1 and 6.7 and 10:128-6.1 and 6.7, while expanding its own rules to cover children placed in resource care for the purpose of adoption or relative care, and those placed in shelter care.

At N.J.A.C. 10:122D-1.7(a) and (b), 1.11(c)3 and 4, 1.13(a), 1.15(d), recodified 2.5(f) and (g), and 2.6(c), (d), and (e)4, the Division proposes to add the word "representative" to use the defined term, Division representative. This is to clarify that the rules refer to a person rather than an abstract organization.

The Division proposes to amend N.J.A.C. 10:122D-1.15(a)5 to specify that a court order includes one that terminated parental rights as a reason for the Division to reduce a child's visitation schedule with certain persons. The Division is proposing this amendment to clarify that this type of court regarding a child in placement can potentially affect a child's visitation with parents and other relatives.

At N.J.A.C. 10:122D-1.15(a)6, the Division proposes to add a new reason to reduce the visitation schedule: that the visitor appears to be under the influence of drugs or alcohol. The Division is adding this additional reason in order to be able to protect the children in its care. The Division notes that N.J.A.C. 10:127-6.6(b)3 and 10:128-6.6(b)3 already prohibit visitors who appear under the influence of drugs or alcohol from visiting with a child.

The Division proposes to amend N.J.A.C. 10:122D-1.15(b) to acknowledge that a supervisor can only approve or disapprove a reduction in visits that is not part of a court order. The Division will follow any court orders regarding visitation without modification.

The Division found that changing the scope of this rule to include all children in out-of-home placement would put N.J.A.C. 10:122D-2.4(b) in conflict with N.J.A.C. 10:133D-3.9. N.J.A.C. 10:122D-2.4(b) requires initial face-to-face contact by the Division representative with the child within one week of placement, while N.J.A.C. 10:133D-3.9 requires telephone contact

by the Division representative with a child placed in a treatment-based program and a visit within 30 calendar days. The Division is amending N.J.A.C. 10:122D-2.4(b) to reference the rules at N.J.A.C. 10:133D-3.7, 3.8, and 3.9, rather than duplicating rules in two separate chapters. This allows the Division to maintain the visitation standards appropriate to each type of out-of-home placement without redundancy.

Principle 8 of the Modified Settlement Agreement, *Charlie and Nadine H., et al. v. Jon S. Corzine, as Governor of the State of New Jersey, and Kevin M. Ryan, as Commissioner of the New Jersey Department of Children and Families*, Docket No. 99-3678 (SRC) states, “Children in out-of-home placements should have the services necessary to address their medical and psychological needs, including those services needed to address problems arising from the child’s removal from his or her biological family.” The Modified Settlement Agreement also requires that the Division “shall provide:

- (i) Pre-placement assessments to children entering out-of-home care;
- (ii) A full medical examination for children entering out-of-home care within 60 days of the day the child entered care;
- (iii) Annual medical examinations for children in out-of-home care according to the Early and Periodic Screening, Diagnosis, and Treatment (EPSDT) guidelines.;
- (iv) Semi-annual dental examinations for children ages 3 and older;
- (v) Mental health assessments for children with a suspected mental health need; and
- (vi) Such follow up care as appropriate for the needs identified in (i), (ii), (iii), (iv), and (v).”

The Division is proposing amendments to this chapter at N.J.A.C. 10:122D-2.5 in order to incorporate the Modified Settlement Agreement’s standards into the Division’s rules. N.J.A.C. 10:122D-2.5(b) now requires pre-placement assessments at the time of placement. New N.J.A.C. 10:122D-2.5(d) requires that a child receive a full medical examination within 60 days of placement. Recodified subsection (e) requires annual medical examinations that comply with the Early and Periodic Screening and Diagnostic Treatment schedule and semi-annual dental examinations for children age three and over. The out-of-home placement provider is also responsible for the child’s ongoing and follow-up medical care in accordance with recodified N.J.A.C. 10:122D-2.5(f).

The Division has updated a citation to the Department of Education's rules at N.J.A.C. 10:122D-2.6(f)5.

The Division is changing the age at which self-sufficiency services must begin for foster children, in N.J.A.C. 10:122D-2.7(b), from 15 to 14 so that these services will begin as the child begins high school.

The Division is amending N.J.A.C. 10:122D-2.7(f) to include a reference to N.J.A.C. 10:133H-5, Tuition Program. The Tuition Program assists students who were in the care and custody of the Division for a period of nine months or more following their 16th birthday, with tuition payments to New Jersey public institutions of higher education or county vocational schools.

A summary of the rules proposed for adoption follows:

N.J.A.C. 10:122D-1.1 states the purpose of Subchapter 1, the purposes of visitation, and information about the frequency and duration of visits.

N.J.A.C. 10:122D-1.2 states the scope of Subchapter 1.

N.J.A.C. 10:122D-1.3 gives the definitions used in Subchapter 1.

N.J.A.C. 10:122D-1.4 states the requirements for the visitation plan.

N.J.A.C. 10:122D-1.5 states the standards for developing the visitation plan, including the time frames for plan development and revision, and who will participate in plan development.

N.J.A.C. 10:122D-1.6 states who receives a copy of the visitation plan.

N.J.A.C. 10:122D-1.7 provides for renegotiation of the visitation plan.

N.J.A.C. 10:122D-1.8 states the components of the visitation plan.

N.J.A.C. 10:122D-1.9 states suitable locations for visits.

N.J.A.C. 10:122D-1.10 states that visits are unsupervised unless the Division or the court determines the need for supervision and the reason for supervision is included in the visitation plan.

N.J.A.C. 10:122D-1.11 describes who may supervise visits, when necessary.

N.J.A.C. 10:122D-1.12 states the role of the Division representative in visits.

N.J.A.C. 10:122D-1.13 states transportation responsibility for the child in out-of-home placement, the parent, and other relatives.

N.J.A.C. 10:122D-1.14 states standards to be addressed in the visitation plan.

N.J.A.C. 10:122D-1.15 states the reasons when visits may be limited.

N.J.A.C. 10:122D-2.1 states the purpose of Subchapter 2.

N.J.A.C. 10:122D-2.2 states the scope of Subchapter 2.

N.J.A.C. 10:122D-2.3 states the definitions used in Subchapter 2.

N.J.A.C. 10:122D-2.4 states the case management services provided by the Division.

N.J.A.C. 10:122D-2.5 specifies what health care services must be provided, the role of the out-of-home placement provider, and what records must be kept for a child in out-of-home placement.

N.J.A.C. 10:122D-2.6 states the role of the Division and of the out-of-home placement provider in educational services, and the educational records which must be kept by the Division representative.

N.J.A.C. 10:122D-2.7 states that a plan to develop self-sufficiency skills in adolescent children in out-of-home placement must be written and carried out.

N.J.A.C. 10:122D-2.8 states that other individualized services needed by a child in out-of-home placement shall be arranged by the Division, as needed and as available.

Social Impact

The effect of the rules proposed for readoption with amendments is to assure that each child in out-of-home placement has a written visitation plan specifying the type and frequency of family visits and receives specific services in accordance with his or her needs.

Those affected are the 4,790 children in non-kin resource care and their parents, the 3,562 children in kinship resource care and their parents, the 1,474 children in group and residential placement and their parents, and the 152 children in independent living and their parents. These figures are from July 6, 2007.

The Division anticipates a positive response from the public to these rules. The Division anticipates continued agreement with the substance of the rules.

The Division anticipates a positive social impact as the rules require regular and frequent visitation between a child in out-of-home placement and his or her family. Regular and frequent visitation improves the chances of securing a permanent home for the child. Having required, frequent visits with a child in out-of-home placement has a positive impact on the child's parents, who are assured of the opportunity to maintain contact with their children.

Ensuring that children receive the services that they need to develop properly is another positive social impact which results from these rules.

By promulgating rules on these important subjects, the Division is guaranteeing to the public that services and family visitation are important and necessary parts of the Division's work with families.

Economic Impact

These rules have no economic impact on the child in out-of-home placement, his or her parent, or the out-of-home placement provider. The services required by these rules, case management, health care, education, and self-sufficiency skills, are included in various governmental budgets, including the Federal budget, as well as those of the Division, the Division of Medical Assistance and Health Services, and local school districts throughout the State.

Visitation is part of the Division's case management responsibility. The amount of time devoted by the Division's staff to plan, transport and supervise visits varies with each case.

Title IV-B of the Social Security Act, at 42 U.S.C. §622(b)(8)(A)(iii), requires the State to have a plan to operate a service program designed to help children to return to families from which they have been removed.

42 U.S.C. §622(b)(15) requires that the State Plan describes "...how the state actively consults with and involves physicians or other appropriate medical professionals in assessing the health and well-being of children in foster care under the responsibility of the state; and determining appropriate medical treatment for the children ...". These rules assist New Jersey to meet the requirements of Title IV-B. New Jersey's 2008 Title IV-B appropriation is \$10,924,000.

Under Title IV-E of the Social Security Act, 42 U.S.C. §671(a)(15) requires that the State have a plan in which the state provides reasonable efforts so that a child in out-of-home placement can return home safely. These rules, at N.J.A.C. 10:122D-1, require visitation between children in out-of-home placement and their parents and relatives. Visitation is considered part of reasonable efforts.

Under Title IV-E of the Social Security Act, 42 U.S.C. §671(a)(16) requires that each child receiving foster care maintenance payments funded in part by Title IV-E foster care money have a case plan. Information regarding the services provided to the child while in out-of-home placement, the child's health and education records, and information about services to prepare the adolescent in out-of-home placement for independent living is part of the case plan as defined in 42 U.S.C. §675(l)(B), (C) and (D).

The rules requiring specific health and education records and information about services preparing children for independent living (which the rules call self-sufficiency skills), N.J.A.C. 10:122D-2.5, 2.6, and 2.7, assist the Division to meet the Federal requirements for receiving Federal financial participation for the costs of out-of-home placement.

42 U.S.C. §671(a)22 requires that the State have a plan, which provides that children in out-of-home placement receive quality services to protect the safety and health of the children. These rules set standards for the services needed by children in out-of-home placement.

The Foster Care Independence Act of 1999, at 42 U.S.C. §677(a)(1) through (4), provides funding to states to help children who are likely to remain in foster care until 18 years of age transition to self-sufficiency. The rules, at N.J.A.C. 10:122D-2.7, comply with the Federal requirements to provide services to children less than 18 years of age to become self-sufficient.

The Division is appropriated \$99.2 million under Title IV-E foster care for Fiscal Year 2008. The readoption of these rules as amended affects the Division's budget as the rules assist the Division to meet the standards necessary to be eligible for Federal Title IV-E foster care funds.

Federal Standards Statement

The rules proposed for readoption with amendments are not in excess of those imposed by Federal law. Title IV-B of the Social Security Act, 42 U.S.C. §622, requires that the State have a plan for child welfare services. 42 U.S.C. §622(b)(8)(A)(iii) requires that plan to include assurances that the State is operating a service program to help children return to their families or

to be placed for adoption, with a legal guardian, or in another permanent living arrangement. The rules proposed for readoption codify those services.

42 U.S.C. §622(b)(15) requires that the state plan describe “..how the state actively consults with and involves physicians or other appropriate medical professionals in assessing the health and well-being of children in foster care under the responsibility of the state; and determining appropriate medical treatment for the children .”. These rules state that involvement with medical professionals is required.

Title IV-E of the Social Security Act, 42 U.S.C. §§670 et seq., requires the State to have a plan, which requires that each foster child whose foster care payment is partially funded by Title IV-E funding be provided with numerous services.

42 U.S.C. §671(a)(15)(B)(ii) requires that the State make reasonable efforts to return a child safely to the child’s home. Reasonable efforts to return a child home include visits with the parents or other relatives who may provide a home for the child. The rules requiring visitation do not exceed the Federal requirements for reasonable efforts.

42 U.S.C. §671(a)(16) requires that each child in foster care have a case plan. 42 U.S.C. §675(1)(B), (C), and (D) define a case plan as including information about services to assure that the child can return to his or her own safe home or a permanent placement and to address the child’s needs while in foster care, the child’s health and education records, and information about services, which prepare the adolescent for independent living. These rules require the Division to provide services to each child in out-of-home placement and to maintain written health care, education, and self-sufficiency (that is, independent living) service records in keeping with the Title IV-E requirements.

42 U.S.C. §671(a)(22) requires that the state develop and implement standards to ensure that children in foster care are provided quality services to protect the children’s safety and health. N.J.A.C. 10:122D-2 requires that services are provided to meet the needs of a child in foster care, which is in keeping with the Federal requirement.

The rules comply with the Foster Care Independence Act of 1999, P. L. 106-169, 42 U.S.C. §§677, regarding self-sufficiency skills as part of the independent living program. N.J.A.C. 122D-2.7 coordinates with purposes of the John H. Chafee Foster Care Independence Program, 42 U.S.C. §677(a)(1) through (4). To summarize, the purposes are to help children likely to remain in out-of-home placement until 18 years of age to become self-sufficient by providing services, helping them to receive education and training, helping them to enter postsecondary training and education institutions, and providing emotional support through mentors.

Jobs Impact

The Division does not expect that the rules proposed readoption with amendments will result in the generation or loss of any job.

Agriculture Industry Impact

The rules proposed for readoption with amendments have no impact on the agriculture industry.

Regulatory Flexibility Statement

Neither the Division, nor those receiving out-of-home placement from the Division, nor those providing resource care to children through the Division are considered a small business under the terms of N.J.S.A. 52:14B-16 et seq., the Regulatory Flexibility Act. While some providers of group home and residential child care facility services may be small businesses under N.J.S.A. 52:14B-16 et seq., the rules proposed for readoption with amendments do not impose reporting, recordkeeping or compliance requirements on small businesses. Therefore a regulatory flexibility analysis is not necessary. The rules proposed for readoption with amendments state the Division's policies and procedures for developing a visitation plan for a child in out-of-home placement and his or her family and describes the services that the Division shall provide to a child in out-of-home placement.

Smart Growth Impact

The Division does not anticipate that the rules proposed for readoption with amendments will have any impact on the achievement of smart growth or the implementation of the State Development and Redevelopment Plan.

Full text of the rules proposed for readoption may be found in the New Jersey Administrative Code at N.J.A.C. 10:122D.

Full text of the proposed amendments follows (additions indicated in boldface thus; deletions indicated in brackets [thus]):

CHAPTER 122D

[FOSTER CARE] SERVICES FOR CHILDREN IN OUT-OF-HOME PLACEMENT

SUBCHAPTER 1. VISITS BETWEEN THE [FOSTER] CHILD AND THE [FOSTER] CHILD'S FAMILY

10:122D-1.1 Purpose

(a) The purpose of this Subchapter is to ensure that each child placed by the Division in [a licensed foster home] out-of-home placement shall have the opportunity to visit with parents, siblings and interested relatives. Visits with parents, siblings and other relatives may serve to:

1. Reinforce the [foster] child's identity;
2. Promote the [foster] child's need for stability, consistency, and permanency;
3. (No change.)
4. Assess the parent's and other relative's motivation and ability to care for the [foster] child;
- 5.-6. (No change.)

(b) The frequency and duration of visits are dependent on the purpose of the visits, the case goal and case plan and practical considerations of all parties. Visits [which] that are frequent and of long duration are beneficial for most children placed in [foster care] out-of-home placement and facilitate movement toward achieving the case goal of [return home or permanency

with a relative or family friend] reunification. The frequency and duration specified in each [foster] child's visitation schedule is a professional social work decision, which shall be made by the Division representatives, with full input from all those affected by the visitation plan. Unless otherwise limited by conditions set forth in N.J.A.C. 10:122B-1.4 and 10:122D-1.15, for most children in [foster care] out-of-home placement, the goal is to hold a visit every week for a period as long in duration as possible.

10:122D-1.2 Scope

The provisions of this Subchapter shall apply to each [foster] child placed by the Division in an out-of-home placement, his or her parents, siblings, interested relatives, [foster family] out-of-home placement provider, and the Division.

10:122D-1.3 Definitions

The definitions in N.J.A.C. 10:122B-1.3 and 10:122C-[1.2 and] 1.3 are hereby incorporated in this Subchapter by reference.

10:122D-1.4 Visitation plan

(a) A written visitation plan shall be developed to identify the type and frequency of visits to be instituted for every child in [foster care] out-of-home placement unless otherwise directed by the court. The visitation plan is included in the case plan, in accordance with N.J.A.C. 10:133D-2.7(b)7.

(b) (No change.)

(c) The visitation plan shall give full consideration to the [foster] child's safety.

(d) (No change.)

10:122D-1.5 Developing the visitation plan

(a)-(c) (No change.)

(d) [The] For a child placed with a resource family parent or in shelter care, the visitation plan shall be developed through negotiation and agreement by the Division representative, the parents, the [foster] child, and other parties involved, such as relatives, a former [foster family] resource family parent interested in visiting the [foster] child, siblings, and their representatives. For each child placed in a residential child care facility, the treatment team

develops the visitation plan in accordance with N.J.A.C. 10:127-6.1 and 6.6. For each child placed in a group home, the treatment team develops the visitation plan in accordance with N.J.A.C. 10:128-6.1 and 6.6.

(e) (No change.)

(f) The Division representative shall encourage the [foster parent] out-of-home placement provider to participate in developing the visitation plan.

(g) The [foster parent] out-of-home placement provider shall be consulted for information pertinent to visitation.

10:122D-1.6 Distribution of the visitation plan

The Division representative shall give a copy of the visitation plan to the parent, the [foster parent] out-of-placement provider, the [foster] child, when of an appropriate age, and other parties, including siblings, who are involved in developing the visitation plan, and their representatives.

10:122D-1.7 Renegotiation of the visitation plan

(a) The Division representative shall renegotiate the visitation plan with all parties involved no less often than every six months.

(b) The Division representative shall also renegotiate the visitation plan:

1.-3. (No change.)

10:122D-1.8 Components of the visitation plan

(a) The visitation plan shall include the following:

1.-4. (No change.)

5. The roles of participants other than the [foster] child;

6.-10. (No change.)

10:122D-1.9 Locations for visits

(a) (No change.)

(b) Visits may also take place in the [foster home] out-of-home placement, with the [foster parent's] out-of-home placement provider's permission.

(c) Visits may take place in a Division office when:

1. Necessary to protect the [foster] child;
- 2.-3. (No change.)

10:122D-1.10 Determination of whether visit is to be supervised[.]

- (a)-(b) (No change.)
- (c) If visits will be supervised, the plan shall contain a statement of the reason supervision is required. Reasons for the supervision of visits may include:
 1. Facilitating interactions between the parent and the [foster] child;
 2. (No change.)
 3. Mediating conflict between the parent and the [foster] child; and
 4. Providing protection for the [foster] child.

10:122D-1.11 Supervision of visits

- (a) Family, friends or others with whom the visitor and [foster] child feel comfortable may provide supervision with the agreement of all parties.
- (b) (No change.)
- (c) A Division representative may supervise visitation only under the following circumstances:
 1. The Division finds that supervision by a Division representative is necessary to protect the [foster] child;
 2. (No change.)
 3. The parent or [foster] child wants supervision by the Division representative;
 4. The Division representative does not have enough information to determine that supervision is not needed; or
 5. (No change.)

10:122D-1.13 Transportation for visits

- (a) The Division representative shall provide or arrange for transportation of the [foster] child to the visit.
- (b) (No change.)

10:122D-1.14 Standards for the visitation plan

(a) Except as limited in N.J.A.C. 10:122D-1.15(a), the visitation plan shall establish that:

1. The first visit between the [foster] child and parent shall be scheduled to occur as soon as possible, within five working days of the date of initial placement;
2. (No change.)
3. The frequency and length of each visit shall be based upon the needs of the [foster] child, the parent, and other involved parties. Special consideration shall be given to the need for pre-school [foster] children to have frequent visits since their sense of time is different than that for older children or adults;
4. Overnight and weekend visits with the family shall be scheduled to occur frequently when the family can assume the increased child care responsibility and when the plan is to return the [foster] child to them;
- 5.-6. (No change.)

10:122D-1.15 Reasons to limit visits

(a) A reduction to the visitation schedule may be made for any of the following reasons:

1. The visit will be physically or psychologically harmful to the [foster] child even with supervision. This determination shall be based on:
 - i.-iii. (No change.)
 - iv. A pending or ongoing Division investigation of allegations that the [foster] child has been harmed by the visitor; or
 - v. The [foster] child's report of a harmful or potentially harmful situation;
2. The [foster] child requests limited visits when the case goal is not [return home or permanency with a relative or family friend] reunification, whether or not the visits are seen as harmful;
3. (No change.)
4. The parent chronically misses scheduled visits despite the Division's efforts to advise of the importance of attending visits for the parent and the [foster] child; [or]

5. A court order, including one that terminated parental rights, which prohibits visits or specifies a different schedule of visits; or

6. The visitor appears to be under the influence of drugs or alcohol.

(b) A supervisor shall review and approve or disapprove any reduction in the frequency or duration of visits, in accordance with any applicable court order.

(c) The Division representative shall inform the parent, [foster] child, and any other affected person in writing of the reason for the reduction.

(d) The Division representative shall assist the family or other parties to eliminate the causes for the limitation of visits when the conditions can be changed in order to increase the visits.

SUBCHAPTER 2. SERVICES TO CHILDREN IN [FOSTER] OUT-OF- HOME PLACEMENT

10:122D-2.1 Purpose

(a) The purpose of this Subchapter is to identify the services that the Division shall provide to a child in [foster home] out-of-home placement in its efforts to:

1. Provide the [foster] child with safe [home] care while in out-of-home placement;
2. Meet the [foster] child's physical, psychological, and other developmental needs;
3. Assure the [foster] child's well-being;
4. Help the [foster] child to understand the reasons for his or her [foster] out-of-home placement, the case goal, and to adjust to being a child in [a foster home] out-of-home placement; and
5. Achieve the case goal, which reflects the permanency plan for the [foster] child.

10:122D-2.2 Scope

The provisions of this Subchapter shall apply to each [foster] child in out-of-home placement, his or her [foster family] out-of-home placement provider, his or her family and the Division.

10:122D-2.3 Definitions

The definitions in N.J.A.C. 10:122B-1.3 and 10:122C-[1.2 and] 1.3 are hereby incorporated into this Subchapter by reference.

10:122D-2.4 Case management

(a) The Division representative shall have face-to-face and other contact with the [foster] child, [foster parent] out-of-home placement provider, parent and other interested parties according to N.J.A.C. 10:133D-3 and which is written in the case plan in order to:

1.-2. (No change.)

3. Assist the [foster] child and [foster family] out-of-home placement provider to establish and maintain an ongoing and supportive relationship for the duration of the [foster] child's placement;

4. Update the [foster] child, [foster family] out-of-home placement provider, parents and other parties on the progress toward achieving the case goal;

5. Facilitate visits in accordance with the case plan between the [foster] child, parent, siblings and other interested relatives. See N.J.A.C. 10:122D-1, Visits between the [foster] child and the [foster] child's family; and

6. (No change.)

(b) The Division representative shall have face-to-face contact with the parent, when applicable, [foster parent] the out-of-home placement provider, and [foster] the child [within one week of the foster child's placement in the foster home] in accordance with N.J.A.C. 10:133D-3.7, 3.8, and 3.9.

10:122D-2.5 Health care services

(a) The Division representative shall make every reasonable effort to assure that each child in [foster home] out-of-home placement receives appropriate and necessary health care, including mental health services.

(b) For each child initially entering [foster home] out-of-home placement, the Division representative shall obtain a [medical examination] pre-placement assessment at the time of placement. The Division representative shall establish a health care record for each [foster] child and shall provide the [foster parent] out-of-home placement provider with a health care record which documents health information concerning the [foster] child, including, but not limited to:

1. The names and addresses of the [foster] child's health care providers;
2. A record of the [foster] child's immunizations;
3. The [foster] child's known medical problems, if any;
4. The [foster] child's medications, if any; and
5. The [foster] child's allergies, if any.

(c) The Division representative shall maintain a health care record for each [foster] child. The Division representative shall review and update the [foster] child's health record at the time of each placement into [a foster home] out-of-home placement and shall provide the updated record to the [foster parent] out-of-home placement provider.

(d) The Division representative shall ensure that the child shall receive a full medical examination within 60 days of placement.

(e) The Division representative shall assure that the [foster] child receives a medical [and a dental] examination at least annually after the initial medical examination performed at the time of placement and a dental examination at least semi-annually for each child age three years and older. The type and frequency of the examinations shall be based on the [foster] child's age and medical needs. At a minimum, the child's examinations shall comply with the Early and Periodic Screening and Diagnostic Treatment periodicity schedule in accordance with N.J.A.C. 10:54-5.10 through 5.13.

~~[(e)]~~(f) The [foster parent] out-of-home placement provider shall be responsible for arranging and providing care to meet the [foster] child's health needs, including, but not limited to, medical and dental examinations, ongoing care, and follow-up care, as agreed to with the Division representative, and shall provide the Division representative with information concerning the [foster] child's health care and needs.

~~[(f)]~~(g) The Division representative shall share health care information concerning the [foster] child with the [foster] child's parents, and the [foster parents] out-of-home placement provider.

10:122D-2.6 Educational services

(a) The Division representative shall make every reasonable effort to assure that every child in [foster home] out-of-home placement receives an education appropriate to his or her abilities as provided for under State laws governing compulsory education and education for disabled children.

(b) The Division representative shall develop an education record for each child initially entering [foster] out-of-home placement, who is subject to the State laws governing compulsory education, see N.J.S.A. 18A, generally. This record shall include, but not be limited to:

1. The names and addresses of the [foster] child's educational providers;
2. The [foster] child's grade level performance;
3. The [foster] child's school record; and
4. Assurance that the [foster] child's placement in [the foster home] out-of-home placement takes into account proximity to the school in which the [foster] child was enrolled at the time of placement.

(c) The Division representative shall provide the [foster parent] out-of-home placement provider with the [foster] child's education record at the time of initial placement.

(d) The Division representative shall review and update the [foster] child's education record at the time of each out-of-home placement [into a foster home] and shall provide the updated record to the [foster parent] out-of-home placement provider.

(e) The [foster parent] out-of-home placement provider shall:

1. Make every effort to ensure that the [foster] child attends school regularly;
2. (No change.)
3. Monitor the [foster] child's academic progress; and
4. Inform the Division representative of the [foster] child's academic progress.

(f) The Division representative shall:

1. Ensure that the [foster] child is enrolled in school, if age appropriate. If necessary, the Division representative shall give the [foster parent] out-of-home placement provider authorization to enroll the [foster] child in school;
2. Maintain and update the education record regarding the [foster] child's progress in school;

3. Coordinate, as appropriate, activities among the school personnel, the [foster parent] out-of-home placement provider, and the parent;
4. Inform the parent of the [foster] child's school progress and of the parent's right and responsibility to be involved in the [foster] child's education; and
5. Refer the [foster] child for a child study team evaluation, as needed, in accordance with N.J.A.C. 6A:14-3.3[(b)] (a)3ii.

10:122D-2.7 Self-sufficiency skills for adolescent [foster] child

- (a) The Division representative, in consultation with the [foster parent] out-of-home placement provider, the [foster] child, the parent and other significant adults, shall develop a written plan to prepare the [foster] child for self-sufficient living and shall reevaluate the plan at least yearly.
- (b) The plan shall be developed for each child in [foster] out-of-home placement:
 1. Within six months of the date of placement for those entering [foster home] out-of-home placement at age [15] 14 or older; or
 2. No later than age [15] 14, for those already in [foster home] out-of-home placement.
- (c) The plan shall be based upon an assessment of the [foster] child's strengths, resources, interests and needs.
- (d) The plan shall outline the necessary skills the [foster] child must master to achieve self-sufficiency and the responsibilities of the Division and other parties to assist the [foster] child to develop these skills.
- (e) The Division representative shall identify at least one significant adult in the [foster] child's life who will function as an adult advisor to the [foster] child to assist in the development of the plan and the life skills needed by the [foster] child. The adult advisor may be the [foster] resource family parent.
- (f) The Division representative shall refer the [foster] child to resources for post-secondary educational opportunities, as requested by the [foster] child and in accordance with N.J.S.A. 9:17B-2 and N.J.A.C. 10:133H-5, Tuition Program.

10:122D-2.8 Other services to children in [foster] out-of-home placement

(a) In addition to the basic services of case management, food, clothing, shelter, education, health care, and self-sufficiency skills, the Division may use other services which meet a [foster] child's individual needs.

(b) When specific service needs are identified, the Division representative shall arrange for appropriate community resources to provide the service to the [foster] child in a timely fashion, as the services are available.

(c) When there are insufficient child welfare services available to meet the [foster] child's needs, the Division is responsible for encouraging and promoting the development of the needed services in accordance with the provisions of N.J.S.A. 30:4C-1, 3 and 4.